IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 961 of 2003

For Approval and Signature:

Hon'ble MR.JUSTICE RAVI R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

ASHAPURNA TRANSPORT COMPANY

Versus

ASSISTANT PROVIDENT FUND COMMISSIONER

Appearance:

1. Special Civil Application No. 961 of 2003

MR KV GADHIA for Petitioner No. 1

..... for Respondent No. 1

CORAM : MR.JUSTICE RAVI R.TRIPATHI

Date of decision: 04/02/2003

ORAL JUDGEMENT

RULE. Mr.B.T. Rao, the learned advocate who normally appears for the Provident Fund authorities is served with an advance copy of the petition waives service of rule. Mr.K.V. Gadhia, the learned advocate

for the petitioner challenges the orders passed by the respondent authorities dated 27-29th May 2002 and dated 17th December 2002. The grievance of the petitioner is that the authorities did not afford sufficient opportunity, even at review stage also, therefore, virtually it is an ex parte order passed against the petitioner.

2. Taking into consideration the aforesaid contention and reserving the right of the authorities to pass an order after affording an opportunity to the petitioner on condition that the petitioner shall deposit the amount ordered, within four weeks from the date of receipt of this order, the aforesaid two orders are hereby quashed and set aside. The authorities are directed to pass a fresh order after affording sufficient opportunity and permitting the petitioner to lead evidence within eight weeks after the deposit is made by the petitioner. It is clarified that the deposit made by the petitioner will be subject to the orders passed afresh.

3. The petition is allowed in the aforesaid terms. Rule is made absolute. No order as to costs.

(Ravi R. Tripathi, J.)

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